

2022 FEB 18 PM 2:04



State of Rhode Island

Daniel J. McKee
Governor

EXECUTIVE ORDER

22-20

February 18, 2022

ALLOWING REMOTE PARTICIPATION IN PUBLIC MEETINGS

WHEREAS, on March 9, 2020, Executive Order 20-02 was issued for a declaration of a state of emergency due to the dangers to health and life posed by SARS-CoV-2 ("COVID-19") and that Order has been extended through at least March 16, 2022;

WHEREAS, on November 12, 2021, I issued Executive Order 21-109 affirming the disaster emergency that was first declared on August 19, 2021 for the Delta variant of SARS-CoV-2 and other then-existing COVID-19 variants and that Order has been extended through at least March 4, 2022; and

WHEREAS, on November 26, 2021, the World Health Organization (WHO) named and classified the Omicron variant of SARS-CoV-2 (the "Omicron variant") as a Variant of Concern; and on November 30, 2021, the United States designated the Omicron variant as a Variant of Concern;

WHEREAS, the Omicron variant is now the dominant variant in Rhode Island and neighboring states; it is expected to continue to cause a significant number of COVID-19 infections in Rhode Island;

WHEREAS, many public and private employees continue to work remotely at various levels;

WHEREAS, many important functions of state and local government are executed in meetings of “public bodies,” as that term is defined in the Open Meetings Act, Rhode Island General Laws § 42-6-1 et seq. (OMA);

WHEREAS, according to the public policy articulated in the OMA, Rhode Island General Laws § 42-46-1, “[i]t is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy”;

WHEREAS, guidance on best practices for conducting public meetings remotely and otherwise can be found at the Rhode Island Department of Administration, Division of Information Technology website at <http://www.doit.ri.gov/covid-19/>;

WHEREAS, the OMA does not allow public bodies or members of public bodies to convene by telephone or other electronic means, except for in very limited circumstances, as defined in Rhode Island General Laws § 42-46-5(b); and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of public bodies.

NOW THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

1. Public bodies conducting meetings, as those terms are defined by the OMA, are hereby relieved from the prohibitions regarding use of telephonic or electronic communication to conduct meetings contained in Rhode Island General Laws § 42-46-5(b).
 - a. A public body may elect to host meetings in which some members of the public body and/or some members of the public are physically attending

in-person and others are attending remotely (“Hybrid”), or in which all members of the public body and all members of the public are attending remotely (“Virtual”). If a meeting is held in a Hybrid or Virtual format, the public body is required to make provisions to ensure public access to the meeting through adequate alternative means.

- b. Adequate alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring.
 - c. Where allowance for active, real-time participation by members of the public is a specific requirement of a state or local law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.
 - d. For any Hybrid or Virtual meeting, the public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.
 - e. If members of the public body convene in person, and the public is permitted to attend in person, the public body may still provide adequate, alternative means for public access and/or participation, but is not required to do so.
2. A public body that elects to conduct its proceedings under the relief provided in paragraph 1 of this Order shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely.
 3. All other provisions of the OMA shall remain unchanged and fully applicable to the activities of public bodies.

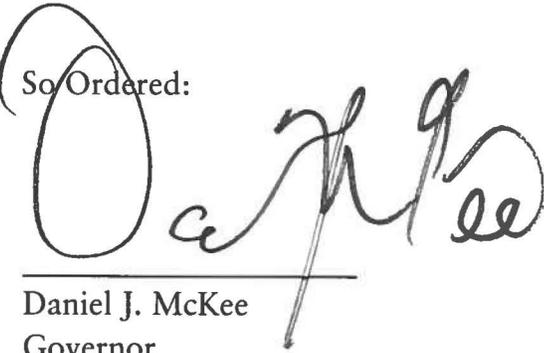
This Order shall take effect immediately and remain in full force and effect through March 19, 2022 unless renewed, modified or terminated by subsequent Executive Order.

Executive Order 22-20

February 18, 2022

Page 4

So Ordered:

A handwritten signature in black ink, appearing to read "D. McKee". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline that extends under the name.

Daniel J. McKee
Governor